



03500.011922.3

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MITSUTOSHI HASEGAWA) Examiner: M. Cleveland
Appln No.: 09/966,595) Group Art Unit: 1762
Filed: October 1, 2001)
For: METHOD OF MANUFACTURING)
ELECTRON-EMITTING DEVICE,)
ELECTRON SOURCE AND IMAGE-)
FORMING APPARATUS) December 17, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Capon Kabushiki Kaisha, a corporation duly organized under the laws of Japan, having a principal office at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, Japan, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 09/966,595, filed October 1, 2001, which is a division of Application No. 08/794,891, filed February 5, 1997, now U.S. Patent No. 6,309,691 B1, as evidenced by the deed of Assignment recorded on May 22, 1997 at Reel 8525, Frame 0662 during the prosecution of Application No. 08/794,891.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2003.

(Date of Deposit)

FRANK A. DELUCIA (Reg. #42,476)

Name of Attorney for Applicant

Signature

December 17, 2003

Date of Signature

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,309,691 B1, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,309,691 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,309,691 B1, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,309,691 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Your petitioner hereby also disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent issuing from Application No.09/864,407, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from Application No. 09/864,407, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any

patent issuing from Application No. 09/864,407, as presently shortened by any terminal disclaimer, in the event that subsequent hereto any patent issuing from Application No. 09/864,407 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclose a check for the required fee of \$110.00 to cover the Terminal Disclaimer Statement. Please charge any deficiency in this fee, and credit any overpayment, to Deposit Account 06-1205.

Petitioner's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Petitioner

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